IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1097 OF 2006
IN
APPEAL FROM ORDER NO.800 OF 2006

Ganesh Chinappa Patil ..Appellant

V/s.

The Municipal Corporation of Greater Mumbai ..Respondent

Ms.Geeta Shastri i/b.M/s.Khilnani and Co. for appellant
Mrs.Geeta Joglekar, advocate for respondent

Coram : D.G.Karnik, J

Date : 21st November, 2006

P.C.

1. Heard learned counsel for the parties. Respondent issued notice to the appellant alleging that the respondent's structure was on the foot path. The appellant is carrying on business in the suit premises since 1989. The Shop Act License was issued by the corporation in the year 1989 itself and has been renewed from time to time since then. It is not case of the respondent that the respondent issued Shop Act License permitting the appellant to carry on the business on the public street. Prima facie it appears that structure is

not shown to be on the public street. The respondent has also not produced on record plan showing the public street and suit structure. In the circumstances, civil application is allowed in terms of prayer clause (a).

(D.G.Karnik, J.)